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March 5, 2019

VIA EFILING

Hon. Frank P. Geraci, Jr., Chief Judge
United States District Court
Western District of New York
100 State Street
Rochester, NY 14614

Re: Jeremie Smith v. Fischer, et al.

Dear Chief Judge Geraci:

This firm represents plaintiff, Jeremie Smith in the above matter. I prematurely "put the cart before the horse" by requesting a Settlement Conference in this matter. I know that my adversary wrote the Court a letter regarding his inability to effectuate a settlement at this time. However the Court would still like to conduct a settlement conference on Thursday, March 7, 2019.

I am based in Livingston, New Jersey which is approximately five hours from Rochester. On Sunday, March 3, 2019 I had to travel to Malone, New York to appear for a conference at Franklin Supreme Court yesterday. I had to travel home six hours. Today I'm on Trial in Albany, New York Court of Claims which is another four and a half hours travel time.

Quite frankly I am exhausted. To come to Rochester on Thursday would be

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another ten hour trip. As such I am requesting that the Court permit me to appear by phone or that the Settlement Conference be converted to a Status Conference which I would appear by phone because of my resent involvement in the matter. What I mean by this Your Honor is since my involvement I have dismissed all but six defendants. More over I am working with Hillel Deutsch to prepare an amended complaint to narrow the issue even further, since being provided documents from my adversary which my client could not afford to pay. Also I believe that I have completed the outstanding paper discovery that my client was delinquent on.

I appreciate the Court's consideration to my request.

Respectfully yours,

Brian M. Dratch

BMD:fdj

cc: Via ECF

Hillel Deutsch, AAG